

# **APPENDIX A**




## **SMALL DISADVANTAGED BUSINESS ENTERPRISE (SDBE) REQUIREMENTS AND CONSTRUCTION FORMS**

**CONTRACT: SD-2012-01**

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August 12, 2012

**Memo To:** Ed Venable, Manager, Engineering and Stormwater Services  
Public Works

**From:** Deborah Giles, Director   
Equal Opportunity/Equity Assurance

**Subject:** SD-2012-01, 2012 Stormwater Drainage Repairs and Improvements

The Equal Opportunity/Equity Assurance Department reviewed the specifications submitted for the above-referenced project to determine appropriate SDBE participation goals.

**MSDBE Participation Goal**

Based on the specifications outlined for this project, the MSDBE participation goal should be 11%.

**WSDBE Participation Goal**

Based on the specifications outlined for this project, the WSDBE participation goal should be 5%.

cc: Shea Bolick, Project Manager

DVL

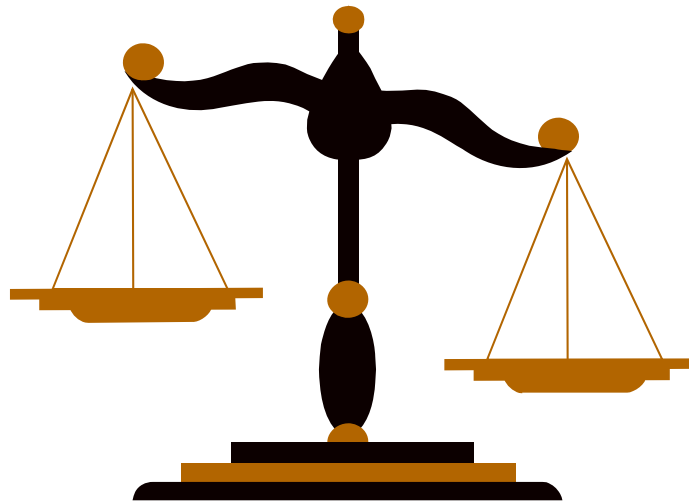
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# CITY OF DURHAM SMALL DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

## CONSTRUCTION FORMS

Revised 6/08



### Mailing Address:

101 City Hall Plaza  
Durham, North Carolina 27701  
Phone: 919-560-4180  
Facsimile: 919-560-4513

### Street Address:

302 East Pettigrew Street, C-180  
Durham, North Carolina 27701

The Department of Equal Opportunity/Equity Assurance  
*Good Things Are Happening In Durham*

## INSTRUCTIONS ON SDBE REQUIREMENTS

### FOR USE IN BIDDING ON CONSTRUCTION PROJECTS WITH THE CITY OF DURHAM

These instructions summarize the provisions of the City of Durham's Equal Business Opportunity Ordinance as it applies to the bid process. Of course, as with any summary, it cannot reflect all of the ordinance.

### QUESTIONS AND ANSWERS ON SDBE REQUIREMENTS

**1. What is the purpose of the City's Equal Business Opportunity (EBO) program?** The Director of the City's EO/EA Department has set SDBE goals for this contract. There will be a goal for SDBEs owned by Blacks and a goal for SDBEs owned by women. For the bid to be fully considered by the City, the bid needs to meet those goals or the bidder needs to have made good-faith efforts to subcontract with SDBEs in order to meet the goals. In order to be given credit for making those good-faith efforts, however, the bidder must provide written documentation of those good-faith efforts. That written documentation must be submitted to the City within 2 days after the bid opening unless a different time is stated by the City. See the instructions below regarding Form E-107.

**2. What is an "SDBE"?** It means a Small Disadvantaged Business Enterprise. An SDBE is a business, certified by the City of Durham as an SDBE, whose management, policies, major decisions, and daily business operations are independently managed and controlled by one or more socially and economically disadvantaged individuals. Among those considered to be "socially and economically disadvantaged" are individuals found by the City on a case-by-case basis to have been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group. The business must not exceed size and gross revenue limits, and it must be majority-owned by one or more socially and economically disadvantaged individuals.

The firm needs to have its certification from the City before the bid opening if it is to count toward meeting the goals. See the next answer on how certification is needed in the good-faith efforts context. Many other units of government, such as counties, departments of transportation, and states, also certify firms and maintain lists of certified firms, but for purposes of complying with the City of Durham's SDBE requirements, the SDBE must be certified by the City of Durham. Certification does not mean that the City has found the firm to be competent.

**3. Can other women or minority owned firms that have been certified by other entities be qualified as an SDBE pursuant to City's EBO Program?** In accordance with Section 26-6(h) of the Ordinance to Promote Equal Opportunities in City Contracting, the City of Durham may consider a formal certification of another entity to determine whether an applicant meets requirements of the Equal Business Opportunity Program, provided that the City Manager or designee determines that the certification standards of such entity are comparable to those of the City. The City of Durham has determined that the following certifications are comparable to its own and may be used by bidders/proposers: North Carolina Department of Transportation (N.C. DOT), United States Small Business Administration (U.S. SBA) and Raleigh-Durham Airport Authority (RDU).

In lieu of SDBE's listed in its SDBE System, the City of Durham will accept women and minority firms certified by N.C. DOT ([www.ncdot.org](http://www.ncdot.org)), U.S. SBA and RDU as meeting its SDBE goal requirements provided the bidder/proposer submits evidence that the firm is currently certified by one of the stated entities

at the time of bid/proposal. Failure to provide evidence of certification may disqualify the firm's participation for the purpose of meeting SDBE goals.

Any firm submitted in this manner will be contacted and urged to complete an abbreviated certification process with the City of Durham. For purposes of this document and associated forms, any reference to a "City Certified SDBE," an "SDBE certified by the City" or similar reference shall include reference to a qualified women or minority owned firm certified and approved in accordance with the above paragraphs, even where specific reference is made to the City SDBE database.

#### 4. What SDBE forms must a bidder or contractor turn in to the City, and when?

<i>Name or description of form</i>	<i>Necessary to submit this form?</i>	<i>When to submit it?</i>
E-101 (SDBE PARTICIPATION ON BASE BID)	Always	With the bid
E-102 (SDBE PARTICIPATION ON BID ALTERNATE)	Yes, if there are alternates. Use a separate form for each alternate.	With the bid
E-103 reserved for future use)	n/a	n/a
E-104 (EMPLOYEE BREAKDOWN)	Has the bidder prequalified? Has the bidder met the SDBE goals? If the answer to either of these questions is "yes," then the form is not required. If the answer to both of those questions is "no," then the bidder must submit this form as part of its documentation of good-faith efforts.	Within 2 days after bid opening unless a different time is stated by the City
E-105 (STATEMENT OF INTENT TO PERFORM AS SUBCONTRACTOR)	Yes, if the bidder proposes to count any subcontracts with SDBEs towards the SDBE goals	Within 5 days after bid opening unless a different time is stated by the City
E-106 (REQUEST TO CHANGE SDBE PARTICIPATION AFTER BID OPENING)	Yes, if the bidder or contractor proposes certain changes in its subcontracting	Not with the bid. Once the bidder is identified as the apparent lowest responsible bidder, this form is due before the bidder/contractor can make the proposed change.
E-107 (QUESTIONNAIRE ON BIDDER'S GOOD-FAITH EFFORTS)	No, but it may help the bidder's case if the bidder failed to meet the SDBE goals. Do not turn in if the bidder met the goals.	Within 2 days after bid opening unless a different time is stated by the City
Good-faith documentation	Yes, if the bidder failed to meet the SDBE goals.	Within 2 days after bid opening unless a different time is stated by the City
Equal employment opportunity statement	Always, unless the bidder has prequalified	Within 2 days after bid opening unless a different time is stated by the City

**5. If a bidder fails to meet the SDBE goals, can it still be awarded the contract?** Bidders that do not meet the goals but demonstrate good-faith efforts are treated equally to those that meet the goals. Awarding a contract is ultimately the decision of the City Council, which considers compliance with the EBO ordinance along with other matters.

**6. In making good-faith efforts, what SDBEs should a potential bidder contact?** The City provides a list of SDBEs that have been certified by the City of Durham for particular trades, services, goods, etc. Potential bidders should contact SDBEs listed for the work that can be subcontracted.

**7. Our firm already has employees who can do the work and does not want to subcontract that work. How does this fit in?** The purpose of the EBO ordinance is to change business practices that would otherwise occur, by giving opportunities to under-used segments of the economy. If the bidder does not meet the goals, its good-faith efforts will be examined as with any other bidder that did not meet the goals.

**8. If the bidder contacts a small socially and economically disadvantaged firm that could become a certified SDBE, will that count toward good-faith efforts?** This contact will not count unless the firm that you contact is able to get its certification from the City of Durham before the bids are opened. In making good-faith efforts, let us suppose that a potential bidder contacts firms that could qualify to be SDBEs. If those firms have their certification from the City at the time of the bid opening, those contacts will count towards good-faith efforts. But there is a risk, because getting certification takes time, and the firm has to provide various documents to the City in order to merit certification.

**9. Do all subcontracts with SDBEs count?** The City will count as SDBE participation only expenditures to an SDBE that performs a commercially-useful function in the relevant work. An SDBE performs such a function when the socially and economically disadvantaged owners themselves are actually involved in performing, managing, and supervising a distinct element of the work. To determine whether those requirements are met, the City takes into account the amount of work subcontracted, industry practices, the adequacy of the resources of the SDBE for the work, the qualifications, such as possession of licenses, permits, and professional designations of the socially and economically disadvantaged owners, and other relevant factors. For example, if an SDBE lacks substantially all of the resources equipment and personnel to do the work it shall be presumed not to perform a commercially-useful function. The EBO ordinance includes more points to consider on this issue.

**10. May an SDBE enter into subcontracts?** This question arises in two situations: (1) the bidder is an SDBE and (2) the bidder is subcontracting with an SDBE. Consistent with normal industry practices, an SDBE may enter into subcontracts. If an SDBE subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the SDBE shall be presumed not to be performing a commercially-useful function. The SDBE may present evidence to rebut this presumption to the City.

**11. What does it mean to say that information must be submitted “with the bid”?** Unless bidders are given other written instructions from the City, it means that the information must be in a sealed envelope, delivered to the same place where a bid can be delivered, and before the time set for the bid opening. Unless bidders are given other written instructions from the City, the information can be either in the same envelope as the bid or in a separate envelope. If it is a separate envelope, the outside of the envelope must state the same information that is required on the bid envelope, and that it contains SDBE forms.



**12. When the chart in question 3 says that a form can be submitted 2 days or 5 days after the bid opening, exactly when is it due? Where is it to be submitted?**

The form must be submitted to the City's EOE Department, located at 302 East Pettigrew Street, C-180 or faxed to (919) 560-4513, so that it is received within 2 days or 5 days (whichever applies according to the chart) after the bid opening. If the form is faxed, it must be received before midnight on that 2<sup>nd</sup> or 5<sup>th</sup> day. If it is delivered by any other means, it must be received before 5:00 PM. In counting these 2 days or 5 days, exclude the following: the day of the bid opening, Saturday, Sunday, and holidays observed by city government of the City of Durham. For instance, for a form due in 2 days, if the bid opening is on a Thursday, the due date for the form would be on the following Monday (midnight if faxed, otherwise 5:00 PM). If the day after the bid opening or that Monday is a City holiday, the form would be due on Tuesday. For a form due in 5 days, if the bid opening were on Tuesday, the due date for the form would be on the following Tuesday (midnight if faxed, otherwise 5:00 PM). If any weekday between those Tuesdays is a City holiday or if the Tuesday on which the form would be due is a City holiday, the form would be due on Wednesday. It is best to place the documents inside an envelope, and to write on the outside of the envelope the same information that is required on the bid envelope, and that it contains SDBE forms. Holidays observed by city government are New Years' Day, Dr. Martin Luther King, Jr., Day; Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day; two days (varying from year to year) during the week of Christmas Day; and other times as may be authorized by City Council.

**13. When there are bid alternates how is SDBE participation counted?** The total amount of the award actually made by the City is the key. For instance, assume the following made-up example:

- ◆ Base bid is \$200,000
- ◆ Alternate A bid is \$50,000
- ◆ Alternate B bid is \$20,000
- ◆ Black-owned SDBE goal is 10%.
- ◆ The bidder proposes Black-owned SDBE participation as follows: \$20,000 on the base bid, \$4,000 on Alternate A, and \$10,000 on Alternate B.

In this fictional example, the bidder may or may not meet the goal, depending on the actual award by Council. This chart illustrates:

## AWARD BY CITY COUNCIL

	Only the base bid	Base bid + Alternate A	Base bid + Alternate B	Base bid + Alternates A & B
<b>Bid total</b>	\$200,000	\$250,000 (200,000 + 50,000)	\$220,000 (200,000 + 20,000)	\$270,000 (200,000 + 70,000)
<b>Total SDBE participation</b>	\$20,000	\$24,000 (20,000 + 4,000)	\$30,000 (20,000 + 10,000)	\$34,000 (20,000 + 14,000)
<b>Black-owned SDBE percentage</b>	10%	9.6%	13.6%	12.6%
<b>Meet 10% Black- owned SDBE goal?</b>	Yes	No	Yes	Yes

**14. How does the City count participation by an SDBE that is not owned by Blacks or women?** An SDBE not owned by Blacks or women may be counted by the bidder towards either goal. The bidder should specify how to count such SDBEs on form E-101.

**15. How is the lease of equipment by an SDBE counted?** If the SDBE leases equipment for the work of the contract, the value of the lease payments is included as part of the SDBE's participation. However, it is not proper to include such lease payments if they are to be made to the prime contractor or the prime contractor's "Affiliate." To understand what an "Affiliate" is, see section 26-3 of the EBO ordinance.

**16. How is the purchase of goods from an SDBE counted?** If the bidder is buying goods from an SDBE, the cost of the goods can be considered SDBE participation only if (a) the SDBE operates or maintains a factory that produces the goods, or (b) the SDBE has an establishment where the goods of the general character described by the specifications or required under the Contract are regularly sold or leased to the public in the usual course of business. If (b) applies, the SDBE's *principal* business must be selling or leasing those goods and the SDBE must operate under its own name.

### INSTRUCTIONS FOR INDIVIDUAL SDBE BID FORMS FOR CONSTRUCTION

**Form E-101 (SDBE PARTICIPATION)** On this form, "participation" is the dollar amount of subcontracts for significant goods and services to be used to perform the contract. For instance, if the bidder would enter into subcontract with SDBEs for a total of \$30,000, that would be the SDBE participation amount. The sum of SDBE participation and non-SDBE participation should equal the amount of the bid. Form E-101 is required for the base bid

**Form E-102 (SDBE PARTICIPATION ON BID ALTERNATE)** This form is essentially the same as Form E-101, except that it is used for the alternate bids instead of the base bid. Use a separate Form E-102 for each alternate bid.

**Form E-103** reserved for future use

**Form E-104 (EMPLOYEE BREAKDOWN)** Complete Part A for the primary location where the goods and services that are the subject of the bid are to be made or provided. If the parent company or other locations of the bidder are providing any substantial portion of the goods or services, then the bidder must also complete Part B, for the consolidated company. If the bidder has an EEO-1 Report that provides the

same information as required on the Form E-104, the EEO-1 Report may be used instead. On whether to submit Form E-104, see question 3 above. If you need to submit it, see questions 3 and 11 above on when and where to turn in this form.

**Form E-105 (STATEMENT OF INTENT TO PERFORM AS SUBCONTRACTOR)** The bidder must provide a Form E-105 (Statement of Intent) for each SDBE firm that the bidder would subcontract with if the City awards the contract to the bidder. See questions 3 and 11 above on when and where to turn in this form.

**On Form E-105, what happens if column 2 (dollar amount) disagrees with column 3 (percentage)?**

If there is a conflict between the dollar amount in Column 2 and the percentage of base bid in Column 3, the percentage stated in Column 3 will control. For instance, if Column 2 is \$10,000, Column 3 is 10%, and the base bid is \$200,000, there is an error, because ten percent of \$200,000 is \$20,000, not \$10,000. In that example, the form will be read as a commitment for \$20,000. If the SDBE both (i) is doubtful of its arithmetic *and* (ii) wants Column 2 to control in case of disagreement, it may say that Column 2 will control over Column 3, but to do so, it must write that on Form E-105.

**E-106 (REQUEST TO CHANGE SDBE PARTICIPATION AFTER BID OPENING)** **When is this form used?** Beginning with the time that the City Manager identifies a bidder as the apparent lowest responsible bidder and continuing as that bidder is awarded the contract and continuing until that bidder/contractor reaches the point of final completion of the work, Form E-106 is to be used when the following occurs: If the bidder/contractor proposes to do any of the following –

- to replace a subcontractor,
- to perform subcontracted work with the bidder/contractor's own forces,
- to increase the quantity of subcontracted work,
- to decrease the quantity of subcontracted work, or
- to change the allocation of work among subcontractors,

then the bidder/contractor must make good-faith efforts to attain the goals that it has shown on the E-101 and applicable E-102 forms, and the bidder/contractor must fill out Form E-106. Substitutions of subcontractors in these circumstances, both before and after the awarding of a contract, are subject to City approval. Consult the City's EO/EA Department on the procedures to follow in order to comply with City Code 26-10(c).

**E-107 (QUESTIONNAIRE ON BIDDER'S GOOD-FAITH EFFORTS)** Bidders that do not attain the SDBE goals have the responsibility to make good-faith efforts and to demonstrate to the City that they have made such efforts. In determining a bidder's good-faith efforts to engage SDBEs, the City Manager shall consider the information supplied by the bidder to answer the questions in Form E-107, , along with other criteria that the City Manager deems proper. Form E-107 is an optional tool that bidders may use to show that they have made good-faith efforts. See questions 3 and 11 above on when and where to turn in this form. Even when this form may be submitted after the bid opening, it cannot include information on efforts made after the bid opening. Even if a bidder does not use Form E-107, the City will nevertheless attempt to answer the questions on the E-107 using good-faith documentation supplied by the bidder. Bidders who do not turn in Form E-107 will still find it helpful to know how the City will determine whether good-faith efforts have been made.

**For Section 2 of Form E-107 --** To make the best good-faith efforts as described under Section 2 on E-107, your firm should have sent a written letter or fax to all SDBEs on the City’s list that perform the kind of work to be subcontracted. Your firm needs to keep a record of all of these attempts to reach SDBEs. That letter would say, in effect, as follows: (Of course, your firm would need to write appropriate words where *italicized instructions* are used below.)

Our firm is interested in bidding on a contract with the City of Durham for [*describe the project*]. We are interested in subcontracting, to your firm, the following work [*describe specific work, for example, painting of interiors of 5 rooms, including prep work; or supplying 20 circuit breakers of type XJE-R or equivalent*]. You may inspect the applicable plans and specifications and descriptions of items to be purchased at our office located at the address shown above, or at the City of Durham’s EO/EA Department, 302 East Pettigrew Street, C-108 , Durham, N.C., 27701 , 919-560-4180[, or at the AGC plan room in (*specify the locations*)]. You may obtain a copy [*explain how and from whom (the City, architect, engineer, etc.) the potential subs can obtain a copy*].

If applicable, tell the SDBEs at which offices of the AGC the plans and specifications may be seen, possibly from the following AGC list.

1100 Euclid Avenue Charlotte, NC 28203-1868 Phone: (704)372-1450	Caswell Bldg., Glenwood Place 3700 National Drive, Ste. 201 Raleigh, NC 27612 Phone: (919)781-3270
4000 Piedmont Parkway, Ste. 400 High Point, NC 27265-0941 Phone: (336)812-3127	2527 S. 17th St. Wilmington, NC 28401 (McGee CADD Reprographics Bldg.) Phone: (910)791-5533
2713 Breezewood Avenue Fayetteville, NC 28303 Phone: (910)484-0184	801 Dickenson Blvd. Greenville, NC 27834 (McGee CADD Reprographics Bldg.) Phone: (252)752-4400
404 Executive Park, Bldg. 3 Asheville, NC 28801-2426 Phone: (828)254-6499	Other AGC locations if they have the plans and specifications

**GOOD-FAITH DOCUMENTATION.** This is not a City form but is documentation to be supplied by the bidder. See the instructions on Form E-107 above. Unless the bidder meets the SDBE goals, the bidder must demonstrate that it made good-faith efforts. To do so, it can use a combination of providing answers to Form E-107 and documentation, such as copies of the notices to SDBEs that are described in question 1(c) on Form E-107. See questions 3 and 11 above on when and where to turn in this form. Even when this documentation may be submitted after the bid opening, it cannot include information on efforts made after the bid opening.

**EQUAL EMPLOYMENT OPPORTUNITY (EEO) STATEMENT.** This is not a City form but is a statement to be supplied by the bidder. The bidder shall state its nondiscrimination employment policy and business practices as of the time of bid opening. Write “EEO” at the top of the first page of your statement. This is different from the EEO-1, which is referred to in the instructions for Form E-104. See questions 3 and 11 above on when and where to turn in this form.

**Form E-101 SDBE PARTICIPATION ON BASE BID**

Name of Bidder: \_\_\_\_\_

Prequalification number: \_\_\_\_\_ Prequalification expiration date: \_\_\_\_\_

Total dollar amount of SDBE participation in base bid work: \_\_\_\_\_

***For each row, check one column: E, F, or G.***

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Name of proposed subcontractor for base bid work	Goods and services to be provided for base bid work	Subcontract amount, in dollars, for base bid work	Percentage of total base bid (Column C divided by total base bid)	Black-owned SDBE	Women-owned SDBE	Non-SDBE
		\$	%			
		\$	%			
		\$	%			
		\$	%			

Attach extra sheets as needed. See question 14 under **QUESTIONS AND ANSWERS ON SDBE REQUIREMENTS**, which states that the bidder may check column E or column F for an SDBE that is neither Black-owned nor women-owned.

Do the above participation amounts meet the goals on this contract, assuming only the base bid is counted?

☐ **Yes**     ☐ **No.** If the answer is No: (1) the bidder must have made good-faith efforts; (2) the bidder must provide, within 2 business days after bid opening, documentation of good-faith efforts; and (3) the bidder must sign below.

As an authorized representative of the Bidder, I swear or affirm under penalty of fraud that the good-faith efforts documentation submitted with this bid, pertaining to the base bid and all alternates, if any, is correct and not intended to defraud or mislead. After the contract between the City and the Bidder is signed, except to the extent that the City gives prior written approval for changes, the Contractor agrees that it shall engage the subcontractors listed on this E-101 and on all applicable E-102 forms, to perform the work for the dollar amounts or percentages described on this E-101 and applicable E-102s.

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**Signature of individual authorized to sign for Bidder**

## Form E-102 SDBE PARTICIPATION ON BID ALTERNATE

This form pertains to the following bid alternate: \_\_\_\_\_

*(Specify the alternate, in the way  
that it is designated in the bid  
documents)*

Name of Bidder: \_\_\_\_\_

Total dollar amount of SDBE participation in work on this alternate: \_\_\_\_\_

***For each row, check one column: E, F, or G.***

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Name of proposed subcontractor for this alternate	Goods and services to be provided for this alternate	Subcontract amount, in dollars, for this alternate	Percentage of total bid for this alternate (Column C divided by total bid for this alternate)	Black-owned SDBE	Women-owned SDBE	Non-SDBE
		\$	%			
		\$	%			
		\$	%			
		\$	%			

*Attach extra sheets as needed. . See question 14 under **QUESTIONS AND ANSWERS ON SDBE REQUIREMENTS**, which states that the bidder may check column E or column F for an SDBE that is neither Black-owned nor women-owned.*

Do the above participation amounts meet the goals, if you consider only this alternate and not the base bid work? ☐ **Yes** ☐ **No**. If the answer is No: (1) the bidder must have made good-faith efforts; (2) the bidder must provide, together with this bid, documentation of good-faith efforts; and (3) the bidder must sign Form E-101 (SDBE PARTICIPATION ON BASE BID).

## E-104 EMPLOYEE BREAKDOWN

### Part A – Employee statistics for the primary location.

				M— a — l — e — s					F — e — m — a — l — e — s				
Employment category	Total employees	Total males	Total females	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project manager													
Professional													
Technical													
Clerical													
Labor													
Totals													

### Part B – Employee statistics for the consolidated company. *(See instructions for this form on whether this part is required.)*

				M— a — l — e — s					F — e — m — a — l — e — s				
Employment category	Total employees	Total males	Total females	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project manager													
Professional													
Technical													
Clerical													
Labor													
Totals													

**Form E-105 STATEMENT OF INTENT TO PERFORM AS SUBCONTRACTOR**

Name of **Bidder**: \_\_\_\_\_

Name of **Project**: \_\_\_\_\_

The undersigned firm is certified by the City of Durham as an SDBE.

The undersigned SDBE represents that it will enter into a formal contract with the Bidder to perform the following work in connection with the Project, in the dollar amount or percentage listed below, if the Bidder signs a contract with the City of Durham for the Project.

Describe the work in sufficient detail so that it can be determined whether the SDBE's work is a substantial and necessary part of the Project.

<b>Column 1</b> - description of work to be done by undersigned SDBE	<b>Column 2</b> -dollar amount of the proposed subcontract between the bidder and the undersigned SDBE	<b>Column 3</b> - percentage of Bidder's base bid represented by the proposed subcontract between the Bidder and the undersigned SDBE

The undersigned SDBE will be ready to begin work on the subcontract on the following date:

Name of SDBE: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address, including Zip Code, of SDBE: \_\_\_\_\_ Fax No. \_\_\_\_\_

\_\_\_\_\_  
**Signature of authorized representative of SDBE**

Title of the person who signed above: \_\_\_\_\_

What person with the SDBE should the City contact with questions about this form or the proposed subcontract? \_\_\_\_\_

Name of individual: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Title of individual: \_\_\_\_\_

Email address: \_\_\_\_\_

By submitting this form to the City of Durham, the Bidder represents that if the Bidder signs the contract with the City of Durham for the Project, the Bidder will enter into the subcontract described above with this SDBE.



## E-106 REQUEST TO CHANGE SDBE PARTICIPATION AFTER BID OPENING

Project: \_\_\_\_\_

Name of bidder or contractor: \_\_\_\_\_

Name and title of representative of bidder or contractor: \_\_\_\_\_

Address (including Zip Code): \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

Total amount of original contract, before any change orders or amendments: \_\_\_\_\_

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: \_\_\_\_\_

Dollar amount of changes proposed in this form: \_\_\_\_\_

The proposed change (*check one*)   ☐ **increases**      ☐ **decreases**    the dollar amount of the bidder's/contractor's contract with the City.

Does the proposed change decrease the SDBE participation? (*check one*)   ☐ **yes**      ☐ **no**

If the answer is **yes**, complete the following:

**BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):**

Name of subcontractor: \_\_\_\_\_

Goods and services to be provided before this proposed change: \_\_\_\_\_

Is it proposed to eliminate this subcontract?   ☐ **yes**    ☐ **no**

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in concrete work and deleting \$7,000 in grading*): \_\_\_\_\_

Dollar amount of this subcontract before this proposed change: \_\_\_\_\_

Dollar amount of this subcontract after this proposed change: \_\_\_\_\_

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified women-owned SDBE
- 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as
  - 3(a) ☐ Black-owned SDBE    3(b) ☐ women-owned SDBE
- ☐ 4. not a City-certified SDBE

**BOX B. Proposed subcontracts other than the subcontract described in Box A above**

Name of subcontractor for the new work: \_\_\_\_\_

Goods and services to be provided by this proposed subcontract: \_\_\_\_\_

Dollar amount proposed of this proposed subcontract: \_\_\_\_\_

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE
- ☐ 2. City-certified women-owned SDBE
- 3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as
  - 3(a) ☐ Black-owned SDBE      3(b) ☐ women-owned SDBE
- ☐ 4. not a City-certified SDBE

Add additional sheets as necessary.

This form is used only if the conditions described in the instructions are present.

## **E-107 QUESTIONNAIRE ON BIDDER'S GOOD-FAITH EFFORTS**

Name of Bidder:

---

If you find it helpful, feel free to attach pages to explain your answers. **How many pages is your firm attaching to this questionnaire?** \_\_\_\_\_ (Don't count the 2 pages of this questionnaire.)

***If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.***

### **1. SOLICITING SDBEs.**

(a) Did your firm solicit, through all reasonable and available means, the interest of all SDBEs certified (that is, in the City's database) in the scopes of work of the contract? ☐ **yes** ☐ **no**

(b) In such soliciting, did your firm advertise? ☐ **yes** ☐ **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**

(c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**

(d) Did your firm attend the pre-bid conference? ☐ **yes** ☐ **no**

(e) Did your firm provide interested SDBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**

(f) Did your firm follow up with SDBEs that showed interest? ☐ **yes** ☐ **no**

(g) With reference to the SDBEs that your firm notified of the type of work to be subcontracted -- Did your firm tell them?

(i) the specific work your firm was considering for subcontracting? ☐ **yes** ☐ **no**

(ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**

(iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

### **2. BREAKING DOWN THE WORK.**

(a) Did your firm select portions of the work to be performed by SDBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**

**3. NEGOTIATION.** In your answers to 3, you may omit information regarding SDBEs for which you are providing Form E-105.

(a) What are the names, addresses, and telephone numbers of SDBEs that you contacted? **ANSWER:**

*See next page for remaining questions.*

(b) Describe the information that you provided to the SDBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**

(c) Why could your firm not reach agreements with the SDBEs that your firm made contact with? Be specific. **ANSWER:**

**4. ASSISTANCE TO SDBEs ON BONDING, CREDIT, AND INSURANCE.**

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance?

☐ **yes** ☐ **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist SDBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no** If **yes**, describe your firm's efforts. **ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors? ☐ **yes** ☐ **no** If **yes**, describe. **ANSWER:**

**5. GOODS AND SERVICES.** What efforts did your firm make to help interested SDBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

**6. USING OTHER SERVICES.**

(a) Did your firm use the services of the City to help solicit SDBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit SDBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**

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## **APPENDIX B**



### **CERTIFIED SMALL DISADVANTAGED BUSINESS ENTERPRISE (SDBE) LIST**

**CONTRACT: SD-2012-01**

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Name	Mailing Address	City	State	Zipcode	Gender/ Race ID	Contact	Phone	Fax	CellPhone	Email	Services	Licenses
1st Class Trucking, Inc.	4700 Harper Renn Road	Oxford	NC	27565	W	Amy Blackburn	919-693-9461	919-693-9461	919-702-1159	1stclasstrucking@embarqmail.com	Hauling, demolition, clearing	
A2 Design & Build, LLC	212 N. Corcoran Street, Suite 105	Durham	NC	27701	M	Eric Phoenix	919-520-1320	919-794-5474	919-422-8926	ericphoenix@aol.com	General Construction, Demolitions, Renovations, Estimating, Fit-up, Environmental site clean up, UST closures, Construction inspections, Materials testing and Project documentation.	City of Durham Privilege
Accucise Construction, LLC	13324 Quarterhorse Run	Rougemont	NC	27572	M	Kerry McDonald	919-423-1847	919-620-0671		kmcdonald3@nc.rr.com	General Contracting, demolition, roofing and masonry	NC State GC License #66977; Durham City Privilege License
Active Construction, LLC	3622 Lyckan Parkway	Durham	NC	27707	M	Tony Tosh	919-489-5010	919-490-4948	919-730-6072	activeconstructionllc@yahoo.com	interior demolition; masonry; painting; sheetrock; pressure washing	City of Durham Privilege
ADIA of NC, LLC	1605 Holloway St., # D	Durham	NC	27703-1456	M	Andrew Bishop, Jr.	919-801-3403	919-667-1456	919-801-3403	adia_inc@yahoo.com	Lawn Care; Cutting, landscaping, Fencing, Tree Removal, Demolition, Hauling, Clearing	City of Durham Business license
Andre Laws Grading & Backhoe Service, Inc.	1306 Broad Street	Durham	NC	27705	M	Andre Laws	919-641-5641	919-416-1131	919-427-2583	callis3@verizon.net	Grading, Clearing and Excavation	City of Durham Business License
Autry Construction Company	6993 Driver Road	Zebulon	NC	27597	M	Waymond Autry	919-369-1355	252-235-0210	919-369-1355	autry.construction@yahoo.com	Public Utilities - Water; Sewer, Storm Drainage	
B. L. Dockery Trucking-Contracting	1313 Savannah Drive	Raleigh	NC	27610	M	Bobby Dockery	919-755-1671	919-832-4273	919-302-3290	dockeryT2005@aol.com	Trucking Services, Demolition Services	
BD & J Services, LLC	600 S. Magnolia Ave.	Dunn	NC	28334	M	Brenda Haywood	910-892-2884	910-892-8775	910-308-6346	woodyl1059@aol.com	waste disposal; demolition; grounds maintenance; sludge removal; demolition; litter pickup; landscaping	
Boles Backhoe Service, Inc.	PO Box 43	Boonville	NC	27011	M	John Boles	336-367-7488	336-922-1762	339-399-5179	armentj@triad.twcbc.com	underground utilities; water and sewer	
Buffalo Creek Grading & Transport, Inc.	PO Box 685	Wendell	NC	27591	W	Melissa Morgan	919-266-7473	919-365-3655	919-266-7473	wrennronnie@yahoo.com	hauling; grading; landscaping; construction; excavation; dozer work	
Busy Black Trucking, LLC	1111 Snow Hill Road	Durham	NC	27712	M	Anthony Black	919-442-7079	919-471-6232	919-442-7079	busyblacktrucking@nc.rr.com	hauling services-all aggregate materials, rock, sand, dirt, concrete debris, demolition	City of Durham Privilege
C & L Turf Works, Inc.	1405-A Old Oxford Highway	Durham	NC	27704	M	Charles Swann	919-730-2258	919-477-7487		clturfworks@aol.com	grading; excavation; land clearing; hauling; demolition; backhoe services	City of Durham Privilege License
Calamar, Inc.	P.O. Box 52058	Durham	NC	27717	W	pam Lane	919-969-1574	919-969-1563	919-491-9216	Planep1@aol.com	construction of water utilities and sewer utilities; storm drainage; general construction	City of Durham Privilege
Callis Contractors, Inc.	1306 Broad Street	Durham	NC	27705	M	Jessie Callis	919-416-6191	919-416-1131		projmang@calliscontractorsinc.com	general contractor (Highway and Public Utilities; Demolition)	GC License #59167 Unlimited Building
Carolina Environmental Contracting, Inc.	PO Box 1905	Mount Airy	NC	27030	W	Joanne Cheatham	336-320-3849	336-320-3854		joanne@carolinaenvironmentalcontracting.com	Erosion Control; Silt Fencing; Tree Protection Fencing; Revegetation (seeding)	City of Mt. Airy Business License
Certified Concrete Construction, Inc.	PO Box 91298	Raleigh	NC	27617	W	Joel Sousa	919-481-6700	919-481-9058	919-442-8358	joel@certifiedconcreteconstruction.com	concrete flat work; curb & gutter; sidewalk; concrete paving; dumpster pads; wheelchair ramps; driveways	City of Durham Privilege License
City Wide Construction Company	7943 Halyard Terrace	Chesterfield	VA	23832	M	Tonya Belfield; Carlton Belfield	804-339-0839	804-639-7224		tbelfield@verizon.net	Demolition, hauling, excavation, paving, grading, landscaping	Class A Contractor's License-VA
Core Master, LLC	PO Box 8946	Rocky Mount	NC	27804	M	Lisa Gonzalez	252-451-5661	252-451-5662	252-205-3386	info@coremasterusa.com	concrete core drilling; floor/wall/hand sawing; controlled demolition	
Davidson Construction, LLC	208 Gibson Lane	Clayton	NC	27520	M	Tony Small	919-550-3485	919-550-3485	919-868-7771	davidsonbldg@aol.com	concrete; demolition; sheetrock; metal studs; construction	NC General Contracting#63308 Limited Building
ECON International Corporation	1709 Fruehauf Drive, Suite 206	Charlotte	NC	28273	H	Albeiro Loaiza	704-688-3709	704-688-7488	704-309-8052	econico@aol.net	concrete; curb & gutter; masonry; pavers; asphalt; traffic control erosion control	NC General Contractor's License#54374; City of Charlotte
Erosion Supply Company	PO Box 91208	Raleigh	NC	27675	W	Vicki Phillis	919-787-0334	919-787-0335	919-414-7465	erosionsupply@nc.rr.com	provide site preparation & paving materials which include erosion control, seeding and geotextiles	
ETC Concrete Construction Corporation	3829 Opportunity Lane	Raleigh	NC	27603	H	Liz Esteves	919-772-4114	919-772-4174	919-291-5719	liz@etccconcrete.com	concrete-sidewalks, paving, footings	

Goode & Champion Construction	1440 Crosslink Road	Raleigh	NC	27610	M	James Goode	919-828-1422	919-832-1909	919-830-6601	good7600@hotmail.com	commercial demolition;clearing debris;reduction grinding and disposal	
H. Richardson & Company, Inc.	5104 Sky Lane Drive	Durham	NC	27704	M	Henry Richardson	919-530-1770	919-530-1770		jrichardson54@nc.rr.com	General Contracting (Highway); Construction Administration; Inspection; Technical Assistance Provided to Engineers such as: Field Testing, Data Collection; Traffic control; Erosion Control ; Asphalt or Pavement Repair	General Contracting License #49668; Highway Construction: Limited
Hine Sitework, Inc.	PO Box 1275	Goldsboro, NC	NC	27533	W	Ann Hine	919-736-8990	919-736-8886	919-738-2972	ann@hinesitework.com	demolition; grading; paving; concrete; erosion control;clearing&grubbing; water& sewer curb&gutter;storm drainage	NC General Contracting#52225 Unlimited:Highway, PU (Water & Sewer)
Kearneco Grading	1512 US Hwy 401 S.	Warrenton	NC	27589	M	Paul Kearney	252-257-4106	252-257-9411	252-213-1932	pkearney@ncol.net	grading;excavation;demolition	
Martinez Company, Inc.	342 Fleming Drive	Durham	NC	27712	H	Keith Brown, Luis Martinez Guerrero	919-255-8817	336-282-7600	919-724-2611	luis342@bellsouth.net	demolition; concrete cutting/repair/placement/slabs/sidewalks;waterproofing; grouting; caulking; sealers; sandblasting; pressure washing; erection of prsut; natural stone	
McClure and Associates Construction, Inc.	6201 Remington Lake Drive	Raleigh	NC	27616	W	Lesle McClure	919-878-8006	919-878-7992	919-868-3649	Lesle@mcclurebuilders.com	new commercial and residential construction; commercial and residential renovation/rehab; painting; grading; demolition; drywall; concrete; framing; roofing; metal roofing;	NC General Contractors License#42632 Unlimited Building
McFarland Corbitt Construction, LLC	11421 Cane Crossing Road #1111	Charlotte	NC	28277	M	Tutino McFarland	704-249-6513	704-900-6812		tmcfarland@mcfarlandcorbitt.com	General Contracting-building & public utilities; Construction Management	
Nehemiah Builders	1307 E. Millbrook Rd., Ste C-13	Raleigh	NC	27609	M	Donald Evans	919-877-0505	919-845-9273		donaldevansnb@aol.com	General Contracting - Demolition & Masonry	NC General Contractors License- Building, Unlimited
Norlina Grading & Excavating, LLC	P.O. Box 1092	Norlina	NC	27563	W	Wilma Snyder	252-456-2002	252-456-2002	252-432-2112	wilma_snyder@yahoo.com	public utilities-water, sewer, drain, grading; excavating & land clearing	
NU-TECH Paving Company, Inc.	PO Box 310	Youngsville	NC	27596	W	Sara Easley	919-556-6105	919-556-9084	919-669-4733	ntpaving@aol.com	asphalt paving projects	NC Gen.Contractor#39553, Unlimited Highway/City of Raleigh;Towns of Cary, Morrisville
P & J Contracting Co., Inc.	3010 Ridgewood Ave.	Baltimore	MD	21215	M	Pless B. Jones, Sr.	410-367-2475	410-367-4103	919-618-5698	pless.jones@pandjcontracting.com	demolition;hauling;excavation; site work; site demo; grading	NC General Contractor# 25409
RDU Paving, Inc.	5415 Fayetteville Road	Raleigh	NC	27603	W	Jeanette Lundholm	919-329-7300	919-329-7301	919-625-2832	sales@rdupaving.com	asphalt paving; new pavement construction/repair;seal coating; striping; small concrete repair	City of Raleigh, NC General Contractors License - Highway, Limited: #62537
Reddrick Masonry	701 Felicia Street	Durham	NC	27704	M	Rueben Redrick	919-477-8297	919-620-0721	919-730-0983	reddrickmasonry@aol.com	hardscape brick paving; concrete; curbs; gutters; masonry; walk ways	City of Durham Privilege
RTP Grading & Sitework, LLC	PO Box 12537	Durham	NC	27709	M	Blair Peil	919-361-5400	919-361-5432	919-427-1215	rtppgrading@netzero.com	demolition, clearing, erosion control, concrete, grading, asphalt, water&sewer,curb&gutter, sidewalks, retentionponds/walls,stormdrain	City of Durham; Town of Chapel Hill
Simmons Technical Services, Inc.	P.O. Box 10616	Goldsboro	NC	27530	M	David Simmons	919-735-1354	919-735-8636	919-922-0590	simmonsdcsimmons@bellsouth.net	Interior/utilities electrical systems (12VDC to 25,000 V) commercial; site OH & UG systems; lighting; electrical controls; back-up generators; solar/wind power systems; directional boring bucket & boom truck services	NC Electrical Contractor and NC General Contracotr Licenses
Supr G Inc.	PO Box 19	Manns Choice	PA	15550	M	Garrett Washington	814-623-1801	814-623-1404		dsmith@suprginc.com	underground utilities; demolition; drywall; painting; gen. contracting	
T.A. Howard & Son	3820 Frazier Drive	Raleigh	NC	27610	M	Travis Howard	919-250-9493	919-2509493	919-369-6294	thoward3@nc.rr.com	trucking services; demolition services	
Tarheel Asphalt & Seal Coating	4920-100 Capital Blvd.	Raleigh	NC	27616	M	Jerry Perry	919-779-0806	919-779-0806		jperry0401@att.net	asphalt paving, patching; seal coating; striping; grading; demolition	City of Raleigh
The Mention Group, LLC	PO Box 78071	Greensboro	NC	27427	M	Jamal Mention	336-240-0924;	704-892-7926		jamalmention@thementiongroupllc.com	demolition;site cleaning;painting;metal framing;roofing&siding panels; acoustical ceilings	NC General Contracting License#63488
Triad Curb & Concrete, Inc.	3716 Mount Zion Church Road	Mebane	NC	27302	W	Sharon Bennett	336-578-0007	336-578-0006		twilson@triadcure.com	concrete curb & gutter; sidewalk; paving; asphalt paving	
Turner Backhoe, Inc.	4320 Amherst Street	Garner	NC	27529	M	Melvin Turner	919-427-3401	919-779-0773		turnerbackhoe@hotmail.com	General Contracting; Classification: Public Utilities (Water and Sewer Lines) Limitation: Limited	General contracting # 40696 Limited Building & Public Utilities
W & W Trucking dba W & W Trucking & Demolition Services, LLC	3221 Carver School Road	Winston-Salem	NC	27105	M	Broderick L. Williams	336-462-7696	336-703-0755	336-462-7276	bwbackone@aol.com	Demolition of Houses; Debris Removal; Hauling	City of Winston-Salem Privilege License; City of Durham Privilege, GC License #67572-Limited
W. E. Garrison Company, Inc.	5820 Fayetteville Rd.	Raleigh	NC	27603	W	Colleen B. Garrison	919-772-4144	919-772-4860	919-306-6158	colleeng@wegarrison.com	Hauling; Clearing; Grading; Concrete Curb & Gutter & Flatwork; Field Engineering; Demolition; Grubbing; Storm Drainage	NC Professional Engineering License #3503



## **APPENDIX C**



### **SMALL DISADVANTAGED BUSINESS ENTERPRISE (SDBE) REPORTING FORMS**

**CONTRACT: SD-2012-01**

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# CITY OF DURHAM

## SUBCONTRACTOR MONTHLY RECORD OF PAYMENT REPORT

**THIS DOCUMENT MUST REFLECT ALL SUBCONTRACTORS & MUST BE SUBMITTED WITH MONTHLY INVOICE FOR PAYMENT**

<b>PROJECT NAME: CONTRACT#:</b>	<b>DATE FORM SUBMITTED:</b>
<b>WORK PERIOD ENDING:</b>	<b>ADDRESS:</b>
<b>COMPANY NAME:</b>	<b>CONTACT PERSON:</b>
<b>FEDERAL TAX ID#:</b>	

Subcontractor/Vendor ID (Street Address/Zip/Telephone)	Indicate Ownership Status	Description Of Work	Total Sub- Contract Amount	Amount Paid For The Period	Total Amount Paid To-Date	Percentage Of Work Completed	Scheduled Start Date	Scheduled End Date

Total M/SDBE Subcontracts Awarded/%	\$	%	Total W/SDBE Subcontracts Awarded/%	\$	%
Total M/SDBE Dollars Paid-To-Date/%	\$	%	Total W/SDBE Dollars Paid-To-Date/%	\$	%
Total Non-Minority Subcontracts Awarded/%	\$	%	Total Non-W/SDBE Subcontracts Awarded/%	\$	%
Total Non-Minority Dollars Paid-To-Date/%	\$	%	Total Non W/SDBE Dollars Paid-To-Date/%	\$	%

*The undersigned certifies that the information recorded above is correct, and that each of the representations set forth above is true. The undersigned further acknowledges that any misrepresentation hereon may result in termination of contract and/or prosecution under applicable Federal and State laws concerning false statements and false claims.*

**Company Representative** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**CITY OF DURHAM**  
**Equal Business Opportunity Program**  
**Final Subcontracting Report**

**THIS FORM MUST BE COMPLETED AND SUBMITTED TO THE PROJECT/CONTRACT ADMINISTRATOR FOR SUBMITTAL TO THE EO/EA DEPARTMENT WITHIN FIFTEEN (15) DAYS AFTER FINAL INSPECTION OF CONTRACT WORK.**

Company Name: \_\_\_\_\_ Project Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Federal Tax ID#: \_\_\_\_\_ Date Submitted: \_\_\_\_\_  
Date of Final Inspection \_\_\_\_\_ Total Final Contract Price: \_\_\_\_\_

The following subcontractors performed work on the above project:

TYPE OF WORK	COMPANY NAME/ADRESS	FINAL PRICE	% OF TOTAL CONTRACT PRICE

Signature of Company Representative \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Contract Compliance \_\_\_\_ Approved \_\_\_\_ Denied

Signature: \_\_\_\_\_

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## **APPENDIX D**



### **SMALL DISADVANTAGED BUSINESS ENTERPRISE (SDBE) CONTRACTOR PREQUALIFICATION FORMS**

**CONTRACT: SD-2012-01**

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# CITY OF DURHAM SMALL DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

## PREQUALIFICATION FORM

Revised 6/08



Mailing Address:

101 City Hall Plaza  
Durham, North Carolina 27701  
Phone: 919-560-4180  
Facsimile: 919-560-4513

Street Address:

302 East Pettigrew Street, C-180  
Durham, North Carolina 27701

The Department of Equal Opportunity/Equity Assurance  
*Good Things Are Happening In Durham*

## APPLICATION FOR PREQUALIFICATION

The answers to the following questions shall be used to determine the qualifications of my organization to bid upon construction projects undertaken by the City. You may submit an AIA Contractor's Qualification Statement in lieu of questions 1-23. Questions 24-30 must be submitted with the Statement.

1. Name of Firm: \_\_\_\_\_

2. Business Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

3. Telephone Number: (     ) \_\_\_\_\_ Fax Number: (     ) \_\_\_\_\_

Email Address: \_\_\_\_\_

4. Contact Person : \_\_\_\_\_ Title: \_\_\_\_\_

5. The organization is requesting prequalification as:

☐ Corporation

☐ Limited Partnership

☐ General Partnership

☐ Sole-Proprietorship

☐ Limited Liability Company

☐ Other

6. If a corporation, Limited Liability Co., or Limited Partnership, indicate the following:

Date of Incorporation or other official commencement of status \_\_\_\_\_

State of Incorporation or other official commencement of status \_\_\_\_\_

7. Internal Revenue Service ID No: \_\_\_\_\_

(Employer ID/SSN): \_\_\_\_\_

8. Year business established by current owner: \_\_\_\_\_

9. Are you authorized to do business in North Carolina as well as locally, including all business licenses?

Yes ☐ No ☐ (Attach copies)

10. List North Carolina Contractor's License Number, classification and Limitation:

License Type	License No.	Classification	Limitation

11. Indicate the type(s) of work for which the business would like to qualify to perform:

---

---

12. How many years has your organization been in business as a contractor under your present name?

---

13. Has your organization been in business under another business name? Yes ☐ No ☐

(If so, please list any former names and addresses. \_\_\_\_\_)

---

14. List the construction experience of the management personnel including superintendents of your organization.

Name	Present Position	Years of Construction Experience	Type of Work	In What Capacity

15. Has your organization failed to complete any work awarded to you? Yes ☐ No ☐

(If so, please explain. Attach additional sheets if necessary.)

---

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16. Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a construction project? Yes ☐ No ☐ (If so, please explain)

---

---

17. Has your organization ever been denied prequalification in this state or any other state under this name or any other name?

Yes ☐ No ☐ (If so, name the state(s), and explain reasons for denial)

---

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18. Has your organization ever been disqualified or removed from a bidding list in this state or any other state?  
Yes ☐ No ☐ (If so, indicate state(s) and explain reason for disqualification)

---

---

19. List major projects which show the various types of work completed by your organization in the past five (5) years and/or presently under construction. (Attach separate sheet if necessary)

Name and Address of Owner	Name and Location of Project	Contract Amount	Was contract completed on time?	Were there any penalties imposed?	Were there any liens, claims or stop notices filed against the job?

20. List major Equipment owned. (Attach separate sheet if necessary)

QUANTITY	ITEM	SIZE OR CAPACITY	CONDITION	YEARS OF SERVICE

21. Name of Bonding Company: \_\_\_\_\_

22. Maximum Current Bonding Level: \_\_\_\_\_

23. Attach a current financial statement including a balance sheet showing the following items:

- a) Current assets
- b) Net fixed assets
- c) Other assets
- d) Current liabilities
- e) Other liabilities

24. Does your organization utilize minority, women or SDBE subcontractors on contracts that are not let by the City of Durham?

Yes ☐ No ☐ (If yes, list three contracts and the minority, women or SDBE firms used by your organization on these contracts)

Name and Location of Project	SDBE Firm Utilized	Dollar Amount of Participation	Contact Person and Telephone No.

25. For the contracts referenced above, did your organization make good faith efforts to assist interested minority, women and SDBEs in obtaining bonding, lines of credit, or insurance if such assistance was necessary?

Yes ☐ No ☐

26. Does your organization make voluntary efforts to increase the number of minority, female and socially and economically disadvantaged individuals at higher skill and responsibility levels within your own organization? Yes ☐ No ☐

27. Does your organization effectively use the services of available minority, women and socially and economically disadvantaged community organizations; contractor groups; local, state, and Federal minority/women or small disadvantaged business assistance offices; and other organizations which provide assistance in recruitment and placement of SDBEs? Yes ☐ No ☐

28. Does your organization participate in minority/women apprenticeship or on-the-job training programs?

Yes ☐ No ☐ (If yes, attach a copy of your company's program)

29. Attach a written narrative of any voluntary good faith efforts your organization proposes to undertake during the upcoming year to provide equitable participation of minority and women employees and subcontract.

30. The following documents must be submitted with your application: (Forms Enclosed)  
(You may submit your organization's EEO Policy in lieu of this statement)

- a) Employee Breakdown
- b) Equal Employment Opportunity Statement

## EMPLOYEE BREAKDOWN

### Part A – Employee Statistics for the Primary Location

M-----a-----l-----e-----s F-----m-----a-----l-----e-----s													
Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

### Part B – Employee Statistics for the Consolidated Company *(See instructions for this form on whether this part is required.)*

M-----a-----l-----e-----s F-----m-----a-----l-----e-----s													
Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

**EEO-1 Report may be submitted in lieu of this form**

## **Equal Employment Opportunity Statement**

## AFFIDAVIT

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(printed name)

State of \_\_\_\_\_ County of \_\_\_\_\_

I, a notary public in and for the aforesaid county and state, certify that \_\_\_\_\_

\_\_\_\_\_ personally appeared before me this day and, after having been

duly sworn, stated that he or she is \_\_\_\_\_

(title)

in \_\_\_\_\_ ; that he or she was

(name of Applicant)

authorized to sign the foregoing application on behalf of said Applicant, and that the statements contained in the foregoing Application for Prequalification are true to the best of his or her knowledge and belief. This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires:

\_\_\_\_\_  
Notary Public



## **APPENDIX E**



### **NON-COLLUSION AFFIDAVIT FORMS FOR BIDDER AND SUBCONTRACTOR**

**CONTRACT: SD-2012-01**

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## NON-COLLUSION AFFIDAVIT OF BIDDER

State of \_\_\_\_\_ County of \_\_\_\_\_  
\_\_\_\_\_, being first duly sworn, deposes and says that:

1. He is \_\_\_\_\_ of \_\_\_\_\_, the Bidder that has submitted the attached Bid;
2. He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;
3. Such Bid is genuine and is not a collusive or sham Bid;
4. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from Bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy connivance or unlawful agreement any advantage against the \_\_\_\_\_  
\_\_\_\_\_ (Local Public Agency) or any person interested in the proposed Contract; and
5. The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed)

\_\_\_\_\_

\_\_\_\_\_  
Title

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Title

My Commission Expires \_\_\_\_\_

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## NON-COLLUSION AFFIDAVIT OF SUBCONTRACTOR

State of \_\_\_\_\_ County of \_\_\_\_\_  
\_\_\_\_\_, being first duly sworn, deposes and says that:

1. He is \_\_\_\_\_ of \_\_\_\_\_, hereinafter referred to as the "Subcontractor";
2. He is fully informed respecting the preparation and contents of the Subcontractor's Proposal submitted by the Subcontractor to \_\_\_\_\_, the Contractor for certain work in connection with the \_\_\_\_\_ Contract pertaining to the Project in \_\_\_\_\_ (City or County and State);
3. Such Subcontractor's Proposal is genuine and is not a collusive or sham proposal;
4. Neither the Subcontractor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Proposal in connection with such Contract or to refrain from submitting a Proposal in connection with such Contract, or has in any manner, directly or indirectly, sought by unlawful agreement or connivance with any other Bidder, firm or person to fix the price or prices in said Contractor's Proposal, or to fix any overhead, profit or cost element of the price or prices in said Contractor's Proposal, or to secure through collusion, conspiracy connivance or unlawful agreement any advantage against the \_\_\_\_\_ (Local Public Agency) or any person interested in the proposed Contract; and
5. The price or prices quoted in the Subcontractor's Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Signed)

\_\_\_\_\_

\_\_\_\_\_

Title

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

Title

My Commission Expires \_\_\_\_\_

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## **APPENDIX F**



**BID BOND FORMS**

**CONTRACT: SD-2012-01**

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**BID BOND for the City of Durham**

**Contract name and number or other description of the Contract:**

**Name of Bidder:**

**Name, address, and telephone number of Surety's N. C. Resident Agent:**

**Telephone number of Surety's home office:**

**Surety is a corporation organized and existing pursuant to the laws of the State of:**

**Amount of this bond:** *check one:*

☐ *(write or type the amount in words and figures)* All numbers in this section are in U. S. dollars.

( \$                      )

☐ five percent of the amount of the proposal

**Date of execution of this bond:**

Obligee: CITY OF DURHAM, a North Carolina municipal corporation.

\* \* \* \* \*

KNOW ALL PERSONS BY THESE PRESENTS, that the Surety executing this bond, which Surety is duly licensed to act as surety in North Carolina, is held and firmly bound unto the City of Durham, Obligee, in the penal sum of the amount stated above, for the payment of which sum, well and truly to be made, the Surety binds itself and its successors and assigns, jointly and severally, by these presents. Whereas the Bidder is herewith submitting a proposal for the Contract referred to above, and the Bidder desires to file this Bid Bond in lieu of making the cash deposit pursuant to G.S. 143-129; NOW THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the Bidder shall be awarded the contract for which the bond is submitted, and shall, within ten days after the award is made, execute and deliver to the Obligee the contract and give satisfactory surety as required by G.S. 143-129, then this obligation shall be null and void, otherwise to remain in full force and virtue; and if the Bidder fails or refuses to so execute and deliver said contract or give said satisfactory surety, the Surety shall upon demand forthwith pay to the Obligee the full penal sum of this bond. The Surety waives all extensions of time, and notice of extensions of time, for the opening of proposals and for the modification, award, execution, and delivery of the contract. IN WITNESS WHEREOF, the Surety has executed this instrument under its seal as of the date of execution indicated above, pursuant to authority of its governing body.

\_\_\_\_\_  
(name of Surety)

\_\_\_\_\_  
(signature of Surety's attorney in fact)  
(Affix Surety's corporate seal.)

(Instructions to Surety: If you use a raised corporate seal, press hard enough to make it legible)  
Bid Bond Page 1 RNW:071301

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**ACKNOWLEDGMENT OF SURETY'S EXECUTION OF BID BOND**

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, a notary public in and for said county and state, certify that  
\_\_\_\_\_ personally appeared before me this day and acknowledged  
that he or she is Attorney in Fact for

\_\_\_\_\_, the Surety named in the  
foregoing Bid Bond, in which bond the Obligee is the City of Durham, and that he or she executed said  
bond, under the seal of the Surety, on behalf of the Surety.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

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## **APPENDIX G**



### **PERFORMANCE BOND AND PAYMENT BOND FORMS**

**CONTRACT: SD-2012-01**

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PERFORMANCE BOND AND PAYMENT BOND

Date of Contract: \_\_\_\_\_

Contract Name and Number: \_\_\_\_\_

\_\_\_\_\_

Name of Principal (Name of Contractor): \_\_\_\_\_

\_\_\_\_\_

Name of Surety: \_\_\_\_\_

\_\_\_\_\_

Name and Address of Surety's NC Resident Agent: \_\_\_\_\_

\_\_\_\_\_

Contracting Body: CITY OF DURHAM, a North Carolina municipal corporation

\_\_\_\_\_

Amount of Performance Bond (in words and figures): \_\_\_\_\_  
\_\_\_\_\_dollars (\$\_\_\_\_\_)

Amount of Payment Bond: same dollar amount as the dollar amount of Performance Bond.

Date of Execution of these Bonds: \_\_\_\_\_

\* \* \* \* \*

KNOW ALL PERSONS BY THESE PRESENTS, that we, the PRINCIPAL AND SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, and successors, jointly and severally, by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain Contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said Contract during the original term of said Contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the Contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be

void; otherwise to remain in full force and virtue. As used hereinabove, "modifications" shall include, without limitation, changes (including, without limitation, changes granting extensions of time) and additions to with respect to the Work, scope of work, and specifications.

\* \* \* \* \*

KNOW ALL PERSONS BY THESE PRESENTS, that we, the PRINCIPAL AND SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain Contract with the Contracting Body, numbered as shown above and hereto attached:

NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the Work provided for in said Contract, and any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue. As used hereinabove, "modifications" shall include, without limitation, changes (including, without limitation, changes granting extensions of time) and additions to or with respect to the Work, scope of work, and specifications.

\* \* \* \* \*

The Performance Bond and the Payment Bond are being combined here only for purposes of convenience in signing and acknowledging, and the obligations of the Principal and of the Surety are the same as if the bonds were on separate documents. Each bond is in the dollar amount stated above, and the amounts of these bonds are not combined. The Surety agrees that both of these bonds are fully binding on it whether or not the Principal executes these bonds. These bonds are given pursuant to Article 3 of Chapter 44A of the NC General Statutes.

IN WITNESS WHEREOF, the above-bounden parties have executed this instrument (for both the Performance Bond and the Payment Bond) under their several seals on the date of execution indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.



\_\_\_\_\_

(name of Principal)

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_.Secretary

By:\_\_\_\_\_  
\_\_\_\_\_.President

(Affix corporate seal)

\_\_\_\_\_  
(name of Surety)

\_\_\_\_\_  
(name of attorney in fact)

(Affix corporate seal)

(Note: If you use a raised corporate seal, press hard enough to make it legible.)

ACKNOWLEDGEMENT OF CONTRACTOR'S EXECUTION OF CONTRACT,  
PERFORMANCE BOND, AND PAYMENT BOND

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, a notary public for the aforesaid county and state, certify that \_\_\_\_\_ personally appeared before me this day, and acknowledged that he or she is \_\_\_\_\_ Secretary of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing (1) Contract with the City of Durham and (2) Performance Bond and Payment Bond with respect to the Contract, were signed in its name by its \_\_\_\_\_ President, whose name is \_\_\_\_\_, sealed with its corporate seal, and attested by him/herself as its said Secretary or Assistant Secretary.

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

ACKNOWLEDGEMENT OF SURETY'S EXECUTION OF  
PERFORMANCE BOND, AND PAYMENT BOND

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public for said county and state, certify that \_\_\_\_\_, personally appeared before me this day and acknowledged that he or she is Attorney in Fact for \_\_\_\_\_, the Surety named in the foregoing Performance Bond and Payment Bond, in both of which bonds the contracting body is the City of Durham, and that he or she executed said bonds, under the seal of said Surety, on behalf of said Surety.

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

## **APPENDIX H**



### **REIMBURSABLE SALES AND USE TAX STATEMENT FORMS**

**CONTRACT: SD-2012-01**

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## Reimbursable Sales and Use Tax Statement

Payment Application No. \_\_\_\_\_ Estimate No. \_\_\_\_\_

**Name of Contractor:** \_\_\_\_\_

Project: \_\_\_\_\_

[illegible]

Grand totals of columns 7, 8, & 9 for all pages of this pay application/estimate.				
---	--	--	--	--

Notes: \* If the invoice clearly specifies the property for which tax reimbursement is being requested, you need not list the property on this form.

\*\* In column 6, if not purchased in N. C., write *Not in N.C.*

Add extra pages as needed. Total number of pages, including this page, in this request: \_\_\_\_\_. Do not include invoices in that page count. In addition to the pages referred to above, invoices that substantiate this statement are attached.

**CERTIFICATION:** The undersigned individual certifies (1) he or she is an employee or principal of the Contractor that is filing this form with the City to request reimbursement for N. C. State and local sales and use taxes that the Contractor has paid, (2) all of the properties listed above, and on all pages, if any, added to this page, and designated on the attached invoices, are building materials, supplies, fixtures, and equipment that have become or will become a part of or annexed to a building or structure that is owned or leased by the City of Durham and is being erected, altered, or repaired for use by the City of Durham in the project named above, (3) no tax on scaffolding, tools, equipment repair parts, equipment rentals, forms for concrete, or fuel to operate machinery or equipment is included, and (4) all of the information on this form, and on all pages, if any, added to this page, is true.

signature of individual

typed or printed name of individual

Sworn to and subscribed before me, this            day of            , 20    .

022304RW

Notary Public

My commission expires:

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## Reimbursable Sales and Use Tax Statement, Continuation page

[illegible]

Enter totals of columns 7, 8, and 9, added to totals from all pages, into page 1. This page is used whether page 1 is signed by the Contractor or the Subcontractor.  
022304RW

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### Reimbursable Sales and Use Tax Statement by Subcontractor

*This line is to be completed by the Contractor:* **Payment Application No.** \_\_\_\_\_ **Estimate No.** \_\_\_\_\_

**Name of Contractor:** \_\_\_\_\_ **Name of Subcontractor** \_\_\_\_\_

Project: \_\_\_\_\_

[illegible]

Grand totals of columns 7, 8, & 9 for all pages of this pay application/estimate.							
---	--	--	--	--	--	--	--

Notes: \* If the invoice clearly specifies the property for which tax reimbursement is being requested, you need not list the property on this form.

\*\* In column 6, if not purchased in N. C., write *Not in N.C.*

Add extra pages as needed. Total number of pages, including this page, in this request: \_\_\_\_\_. Do not include invoices in that page count. In addition to the pages referred to above, invoices that substantiate this statement are attached.

**CERTIFICATION:** The undersigned individual certifies (1) he or she is an employee or principal of the Subcontractor that is submitting this form with the Contractor so that the Contractor may request reimbursement for N. C. State and local sales and use taxes that the Subcontractor has paid, (2) all of the properties listed above, and on all pages, if any, added to this page, and designated on the attached invoices, are building materials, supplies, fixtures, and equipment that have become or will become a part of or annexed to a building or structure that is owned or leased by the City of Durham and is being erected, altered, or repaired for use by the City of Durham in the project named above, (3) no tax on scaffolding, tools, equipment repair parts, equipment rentals, forms for concrete, or fuel to operate machinery or equipment is included, and (4) all of the information on this form, and on all pages, if any, added to this page, is true.

signature of individual typed or printed name of individual  
Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

022304RW Notary Public

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# **APPENDIX I**



**CONTRACTOR'S BID**

**CONTRACT: SD-2012-01**

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## **APPENDIX J**



### **CONTRACTOR'S INFORMATION**

**Documentation Submitted Prior to Notice of Award  
Performance Bond and Payment Bond  
Certificates of Liability/Insurance**

**CONTRACT: SD-2012-01**

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